



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,748	08/30/2001	Maria Azua Himmel	AUS920010578US1	9987
35525	7590	05/20/2005	EXAMINER	
IBM CORP (YA)			CHOW, MING	
C/O YEE & ASSOCIATES PC			ART UNIT	
P.O. BOX 802333			PAPER NUMBER	
DALLAS, TX 75380			2645	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/942,748

Applicant(s)

HIMMEL ET AL.

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35-U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Election/Restrictions*

1. Applicant's election without traverse of claims 1-26 in the reply filed on 12-17-04 is acknowledged.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2645

2. Claims 1-4, 6, 7, 11, 12, 14, 15, 19-21, 23, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Torrey et al (US: 6466799).

For claims 1, 2, 11, 12, 19, 20, Torrey et al teach on column 2 line 12 to column 3 line 4, converting incoming call signals received at the hand-held wireless device into signals for the wireline telephone devices by the communication premises station system without routing the call through a wired telephone network external to the facility.

Regarding claims 3, 21, the “phone call” to the wireless device as taught by Torrey et is a wireless telephone service. When the call is forwarded to the wireline telephone device, the service is provided by the wired telephone device.

Regarding claim 4, Torrey et al teach on item 110 Fig. 1A a wired telephone device includes a wireless service unit (item 100 Fig. 1A) that provides interfaces (wireless interface between item 100 and 110 Fig. 1A) for providing services to the wired telephone device.

Regarding claims 6, 7, 14, 15, 23, 24, Torrey et al teach on item 365 Fig. 3B, off-hook indication message is the claimed tracking information that identifies the telephone capabilities (capable of accepting the call or not).

Art Unit: 2645

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5, 10, 13, 18, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torrey et al as applied to claim 1 above, and in view of Pinard et al (US: 5454032).

Regarding claims 5, 13, 22, Torrey et al failed to teach “forwarding the call includes looking up the associated address in a directory”. However, Pinard et al teach on column 2 line 12-32, receiving a call and accessing a particular directory number from a memory for forwarding the call.

It would have been obvious to one skilled at the time the invention was made to modify Torrey et al to have the “forwarding the call includes looking up the associated address in a directory” as taught by Pinard et al such that the modified system of Torrey et al would be able to support the system users conveniences of forwarding the call by looking up a directory for the forwarding address.

Regarding claims 10, 18, the incoming call to the wireless device as taught by Torrey et al must have a called number. The called number is the identifier of the wireless device.

Art Unit: 2645

Torrey et al failed to teach “a telephone number has an associated identifier for the wired telephone device”. Pinard et al teach on column 2 line 23, references to equipment identifiers where the call is forwarded (the wired telephone device).

It would have been obvious to one skilled at the time the invention was made to modify Torrey et al to have the “a telephone number has an associated identifier for the wired telephone device” as taught by Pinard et al such that the modified system of Torrey et al would be able to support the system users conveniences of associating the telephone number with the wired telephone device’s identifier.

4. Claims 8, 16, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torrey et al as applied to claim 1 above.

Torrey et al failed to teach “determining a location of a wireless phone and routing the call to the wireless phone”. However, “Official Notice” is taken that a wireless communication network determines the mobile unit location by consulting either Home Location Register or Visiting Location Register before routing the call to the called mobile unit is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Torrey et al to have the “determining a location of a wireless phone and routing the call to the wireless phone” such that the modified system of Torrey et al would be able to support the system users conveniences of routing a call to a wireless telephone device by determining the device location first.

Art Unit: 2645

5. Claims 9, 17, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torrey et al as applied to claim 1 above.

Torrey et al failed to teach “route the call to the wireless telephone device only when the wireless device is not in the facility location”. However, a location where the call can be established with a wireless telephone device is a “Design Choice”. For example, a location where the wireless service provider does not have a coverage the call will not be established. A call will only be connected to a wireless device when the wireless device is within a location where the service provider has a coverage.

It would have been obvious to one skilled at the time the invention was made to modify Torrey et al to have the “route the call to the wireless telephone device only when the wireless device is not in the facility location” such that the modified system of Torrey et al would be able to support the system users conveniences of routing a call to the wireless device when it’s not in the facility location.

### ***Conclusion***

6. The prior art made of record and not replied upon is considered pertinent to applicant’s disclosure.

Art Unit: 2645

- Morrow (US: 6498938) teaches wireless telephone-to-wired telephone system interfacing.

7. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to Central FAX Number 703-872-9306.**

Patent Examiner

Art Unit 2645

Ming Chow



**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**